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September 23, 2022

BY ECF

Hon. Jennifer L. Rochon, U.S.D.J.
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Robert D. Press v. Patrick J. Primavera, No. 21-cv-10971 (JLR)

Dear Judge Rochon:

The parties submit this joint letter pursuant to your September 22, 2022 Order (ECF No. 31) requesting the parties update the Court on the status of the case.

On December 12, 2021, Plaintiff Robert D. Press filed the complaint in this action, alleging one claim for defamation against Defendant Patrick J. Primavera. ECF No. 1. On January 24, 2022, Defendant filed a letter advising the Court of its intended motion to dismiss the complaint. ECF No. 13. On January 31, 2022, Plaintiff filed a response objecting to Defendants' intended motion. ECF No. 14. On March 22, 2022, the Court ordered that "no further briefing is necessary" because the Court "is inclined to treat the parties' pre-motion letters as a motion to dismiss." ECF No. 16.

On June 24, 2022, the Court, following "clarification from the Second Circuit" in a different action, allowed (i) Defendant to file a motion to dismiss not exceeding three pages in length, (ii) Plaintiff to submit an opposition of similar length in response, and (iii) Defendant to subsequently submit a reply of similar length. ECF No. 17. The parties submitted the papers accordingly. See ECF Nos. 19-21.

On August 8, 2022, the Court, in "light of recent Second Circuit opinions," further ordered the parties to advise the Court whether they "request supplemental or full briefing on Primavera's motion." ECF No. 23. On August 16, 2022, Plaintiff requested full briefing on Primavera's motion, but noted that Defendant would prefer to have the Court decide the motion on the basis of the limited briefs previously filed. ECF No. 24. On August 17, 2022, the Court ordered full briefing, and granted the parties' proposed briefing schedule. ECF No. 25.

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Defendant has already filed his opening brief in support of his motion to dismiss. ECF No. 28. Plaintiff's opposition brief is due by September 30, 2022, and Defendant's reply brief is due by October 7, 2022. *See* ECF No. 25.

The Court has not yet scheduled an Initial Case Management Conference, nor has any discovery taken place at this time.

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